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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,036	06/18/2001	Baldino-Brunei Paul	2685/5737	1365
26652	7590	05/24/2007		
AT&T CORP. ROOM 2A207 ONE AT&T WAY BEDMINSTER, NJ 07921			EXAMINER HUYNH, SON P	
			ART UNIT 2623	PAPER NUMBER
			MAIL DATE 05/24/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	Application No. 09/882,036	Applicant(s) PAUL ET AL.	
	Examiner Son P. Huynh	Art Unit 2623	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 01 May 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1-8 and 24-42.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
 13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because: In response to Applicant's repeated argument that one of skill in the art would not have sufficient motivation or suggestion to combine Li with Chiu et al. and Masaki (pages 2-3), or combination of Li with Chiu, Masaki, and Zhang (page 7, last paragraph) the Examiner respectfully disagrees and maintains that the combination of Li in view of the Chiu's teaching, Masaki's teaching, and Zhang's teaching are proper and obvious to one of ordinary skill in the art for the benefits discussed on pages 2-12, 17-18 of the Final Office Action, dated 3/1/2007.

Applicant further argues, "Masaki et al. does not includes a teaching that additional high priority frames are encoded at a lower quality than is generally used for high priority frames". Applicant submits that Masaki et al. actually teach the opposite by arguing "if the video frame is not divided such that there is a priority area and a non-priority area that the video frame is quantized with a quantization step size that is larger than in the error free mode. In other words, column 67 teaches that the entire frame is quantized with a quantization step size that is larger than normal. Then, column 68 teaches if the video frame is divided into a priority area and a non-priority area, then in error mode the non-priority area is quantized with quantization step size that is larger than the normal quantization step size.... Inasmuch as it has been established above that Masaki et al. in fact teach away from this approach by only teaching that the non-priority frames... (page 6-page 7).

In response, this argument is respectfully traversed. First, it is noted that Masaki does not disclose "non-priority frames" as argued by the applicant, but instead, Masaki discloses the video frame may be divided into a priority area in which the object will be displayed and a non-priority area in which a background will be displayed with a new function provided for setting the quantization step size for each area. In the error mode, the coding device either controls to set the quantization step for the non-priority area to a quantization step size larger than normal or set not to perform coding operation and transmission operation for the non-priority area if frame drop takes place (see include, but are not limited to, col. 68, lines 25-67). Thus, the additional high priority frames (e.g., video frames) are encoded at a lower quality than is generally used for high priority frame since the quantization steps size is larger or the coding operation of non-priority area of the frame is not performed.

Furthermore, as applicant argue "if the video frame is not divided such that there is a priority area and a non-priority area that the video frame is quantized with a quantization step size that is larger than in the error free mode. In other words, column 67 teaches that the entire frame is quantized with a quantization step size that is larger than normal" (see applicant's argument page 6, lines 4-8). As a result of the "entire frame" (including priority area and non-priority area) "is quantized with a quantization step size that is larger than normal", the priority area of the entire frame is also quantized with a quantization step larger that is larger than normal. Therefore, the additional high priority frames are encoded at a lower quality than is generally used for high priority frames (since the quantization step size is set larger than normal).

Therefore, Masaki discloses a teaching that additional high priority frames are encoded at a lower quality than is generally used for high priority frames.

For the reasons given above, rejections on claims 1-8, 24-42 are maintained as discussed in the Final Office Action, dated 3/1/2007..


SCOTT E. BELIVEAU
PRIMARY PATENT EXAMINER